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U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND



13 PM 2:53

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

THE MOORISH NATIONAL REPUBLIC
MOORISH DIVINE AND NATIONAL MOVEMENT OF THE WORLD
Aboriginal and Indigenous Natural Peoples of North-West Amexem North America

In The **1:11 CV 1213**
United States District Court
For the Northern District Ohio Republic
JUDGE ADAMS
MAG. JUDGE BAUGHMAN

Amaru Mura Hassan Bey, Authorized Representative, Natural Person, In Propria Persona:
Ex.Rel Kenneth L. Williams Jr
All Rights Reserved:
U.C.C. 1-207/ 1-308; U.C.C. 1-103
Not a Corporate Person or Entity, Misrepresented by Fraudulent Construct of ALL CAPITAL LETTERS
[KENNETH L. WILLIAMS JR]
Eriechronon Amerate Indigenous Lands Territory
[c/o 634 East 124 Street]
[Cleveland, Ohio Republic [Zip Exempt]]
Northwest Amexem

Plaintiff

v.

State of Ohio,
City of Shaker Heights
Shaker Heights Municipal Court
Main-Defendant Police/Patrolman Homero Guerrero Badge # 19
Co-Defendant Judge: K.J. Montgomery
Co-Defendant Magistrate: Dan Lovinger
Co-Defendant Prosecutor: Randy Keller
Co-Defendant Bailiff: Joe Gogala
Co-Defendant Clerk of Courts: Steven Tomaszewski
3355 Lee Road, Shaker Heights, Ohio 44120

Defendants

Jurisdiction

This action containing complaints for declaratory relief and for damages, is brought against the defendants to secure due process of law, equal protection and other rights, privileges and immunities guaranteed to complainant by the Constitution / Treaty and laws of these United States Republic.

Jurisdiction of this court is invoked under The Zodiac Constitution ©AA222141 / Library of Congress, Washington, District of Columbia, Constitution / Treaty and laws of the United States Republic as follows:

Universal Declaration of Human Rights 1948 United States Republic Constitution (Bill of Rights) Ohio Republic Constitution (Bill of Rights) The Zodiac Constitution. Articles of Confederation/Associations. The Declaration of Independence. International Religious Freedom Act (1998) Rights of Indigenous People (1994) United States Codes of law. International Law(s) Treaty of Peace of Friendship of (1787)-(1836) Still in Force.

Venue

Original Jurisdiction United States District Court for the Northern District of Ohio Republic

Plaintiff

Amaru Mura Hassan Bey, Natural Person, In Propria Persona Sui Juris (not to be confused with, nor substituted by, Pro Se by unauthorized hand of another). I am Aboriginal Indigenous Moorish-American; possessing Free-hold by Inheritance and Primogeniture Status; standing Squarely Affirmed, aligned and bound to the Zodiac Constitution, with all due respect and honors given to the Constitution for the United States Republic, North America; Being a descendant of Moroccans and born in America; with the blood of the Ancient Moabites from the Land of Moab, who received permission from the Pharaohs of Egypt to settle and inhabit North-West Africa / North Gate. The Moors are the founders and are the true possessors of the present Moroccan Empire; with our Canaanite, Hittite and Amorite brethren, who sojourned from the land of Canaan, seeking new homes. Our dominion and inhabitation extended from Northeast and Southwest Africa, across the Great Atlantis, even unto the present North, South and Central America and the Adjoining Islands - bound squarely affirmed to THE TREATY OF PEACE AND FRIENDSHIP OF SEVENTEEN HUNDRED AND EIGHTY-SEVEN (1787) A.D. superseded by THE TREATY OF PEACE AND FRIENDSHIP OF EIGHTEEN HUNDRED and THIRTY-SIX (1836) A.D. between Morocco and the United States (<http://www.yale.edu/lawweb/avalon/diplomacy/barbary/barl866t.htm> or at **Bevines Law Book of Treaties**) the same as displayed under Treaty Law, Obligations, Authority, as expressed in Article VI of the Constitution for the United States of America (Republic):

THE TREATY OF PEACE AND FRIENDSHIP OF 1836 A.D. **Between Morocco and the United States**

Article 20

"If any of the Citizens of the United States, or any Persons under their Protection, shall have any disputes with each other, the Consul shall decide between the Parties, and whenever the Consul shall require any Aid or Assistance from our Government, to enforce his decisions, it shall be immediately granted to him."

Article 21

"If any Citizen of the United States should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a Citizen of the United States, the Law of the Country shall take place, and equal Justice shall be rendered, the Consul assisting at the Trial; and if any Delinquent shall make his escape, the Consul shall not be answerable for him in any manner whatever."

Defendants

State of Ohio
City of Shaker Heights
Shaker Heights Municipal Court
Main-Defendant Police/Patrolman: Homero Guerrero Badge # 19
Co-Defendant Judge: K.J. Montgomery
Co-Defendant Magistrate: Dan Lovinger
Co-Defendant Prosecutor: Randy Keller
Co-Defendant Bailiff: Joe Gogala
Co-Defendant Clerk of Courts: Steven Tomaszewski

Facts

In support of this petition I state for the record:

1. Said Judge K.J. Montgomery sworn/Affirm an Oath to support the Constitution for the United States of America Republic/Ohio Republic Constitution.
2. Said Judge K.J. Montgomery is a member of the American Bar Association
3. A said Judge K.J. Montgomery officer of the court is bound to their oath of office/oath of ethics etc...
4. Said Judge K.J. Montgomery should be well verse in law and should know the activities taking place in the courtroom.
5. Said Judge K.J. Montgomery should be fully aware that "TRAFFIC COURT IS NOT CONSTITUTIONALTY SANCTION."

6. Said Judge K.J. Montgomery Officials and "The court is to protect against any encroachment of constitutionally secured liberties" as describe in case law- SEE Boyd v. U.S., 116 U.S. 616
7. Said Judge K.J. Montgomery and Officials of the court lacks any judicial immunities whatsoever for violating their Oath of Office for being an accessory regarding this matter.
8. Said Police/Patrolman Homero Guerrero sworn/affirm an Oath to support the Constitution for the United States of America Republic/Ohio Republic Constitution (Oath of Ethics)
9. Said Police/Patrolman Homero Guerrero was armed with deadly weapons (Firearm, Taser, Knight Stick handcuffs and must be bonded/secured [Public Hazard Bond] if an injury take place.
10. Said Police/Patrolman Homero Guerrero had no valid cause of action to pull petitioner over. [Profiling]
11. Said Police/Patrolman Homero Guerrero did not witness petitioner commit any crimes whatsoever.
12. Said Police/Patrolman Homero Guerrero was enforcing statutes, codes, policies, ordinances, and color of law on petitioner.
13. Said Police/Patrolman Homero Guerrero violated petitioner Substantive Right (Right to Travel) in a named of a regulation/ordinances to pull petitioner over for ten minutes. (Detained)
14. Said Police/Patrolman Homero Guerrero issued petitioner Bills of Exchange (Ticket) - Bill of Attainder. [Misrepresentation]
15. Said Police/Patrolman Homero Guerrero threaten to tow petitioner private/personal car in front of petitioner's soul mate.
16. Said Police/Patrolman Homero Guerrero made threats if petitioner (In front of petitioner's soul mate) did not sign the Bills of Exchange (Ticket)-Bill of Attainder he (Homero Guerrero) would tow petitioner private/personal car and make petitioner and his soul mate walk home. [Threat, Duress, Coercion] [Force Contract]
17. Said Police/Patrolman Homero Guerrero on the day of the alleged trial called in several policemen to unlawfully arrest/detain and jumped on petitioner on video/camera in the courtroom and in front of petitioner's council presence and fail to read petitioner (Miranda Rights) when unlawfully detained and failed to show a valid warrant with sworn/affirm affidavit attach to it. (Fourth Amendment)
18. Said Police/Patrolman Homero Guerrero and several other policeman (making a riot in the courtroom) upon falsely/Kidnapping arresting petitioner; Petitioner was assaulted, Sexual assaulted and as a result of that petitioner had a badly damage/Sprained risk/finger, and arm that was videoed/camera in front of petitioner's council. Petitioner had to go to the Huron Hospital due to the severe pain of my hand/finger.
19. Said Police/Patrolman Homero Guerrero was impersonating government officials on emergency business, When in fact he is a Corpora Ficta employee with no government power.
20. Said Magistrate: Dan Lovinger sworn/Affirm to the United States/Ohio Republic Constitution
21. Said Magistrate: Dan Lovinger is a member of the American [Bar] Association
22. Said Magistrate: Dan Lovinger was supporting the Bill of Exchange- (Ticket)-Bill of Attainder and Ex post Facto Law.
23. Said Magistrate: Dan Lovinger violated the 4th 5th 6th 7th 8th 9th 10th and violated 13th Amendment. (Bills of Rights) Violation.
24. Said Magistrate: Dan Lovinger was enforcing foreign policies/Color of Law/Authority onto petitioner.
25. Said Magistrate: Dan Lovinger issued out an alleged warrant without an oath of sworn/affirm Affidavit to support the alleged criminal charges (4th Amendment) and held petitioner for ransom.
26. Said Magistrate: Dan Lovinger refuse to honor Writ of Discovery/Affidavit of Fact under Rule of Discovery is a violation of his Oath of Office. [United States Republic Constitution Violation]
27. Said Magistrate: Dan Lovinger did not respect the law and had petitioner detained for five days in a cell without due process at law [Fifth Amendment][United States Republic Constitution Violation]
28. Said Magistrate: Dan Lovinger gave petitioner two excessive bonds of [5000.00] ten percent. [Ohio Republic Constitution Bills of Rights Violation]. [United States Republic Constitution Violation]
29. Said Magistrate: Dan Lovinger is incompetent (Ministerial /Magistrate) to receive grants of judicial power from the legislature; their acts in attempting to exercise such powers are necessarily nullities. SEE" Burns v. Supp. Ct., SF, 140 Cal. 1 Superseded his authority/Ultra Vires.
30. Said Clerk of Court: Steven Thomaszewskr issued two summons/trial date paper to petitioner mom/dad home to come to court on the date stated regarding the (Ticket)-Bills of Exchange/Bill of Attainder.[Misrepresentation Instrument].
31. Said Bailiff: Joe Gogala ask petitioner to come out of court (With Petitioner's Council presence [five people] and enter a plea of not guilty for petitioner.
32. Said Bailiff: Joe Gogala fail to answer where he (Bailiff Joe Gogala) derive his authority to enter into a plea on my behalf (Petitioner) and in front of petitioner's council of [Five people]
33. Said Bailiff: Joe Gogala superseded his authority/Ultra Vires. Nowhere in his duties/ or Court Rules or Civil Procedure a Bailiff (Joe Gogala) had any authority to into any plea for petitioner or anyone outside of a courtroom.

34. Said Bailiff: Joe Gogala said that he was doing me [Petitioner] a favor of taking my plea! [Trying to act as Power of Attorney for petitioner in front of petitioner's council.
35. Said Bailiff: Joe Gogala denied petitioner to see a Magistrate/ Judge at the Arraignment to clear up this confusion-taking place. Violation of 5th 6th 7th 8th 9th 10th Bills of Rights
36. Said Bailiff: Joe Gogala took an oath sworn/affirm to the United States/Ohio Republic Constitution.
37. Said Bailiff: Joe Gogala was enforcing petitioner into a contract and enforcing color of law onto petitioner.
38. Said Prosecutor: Randy Keller took a oath sworn/affirm to the United States/Ohio Republic Constitution
39. Said Prosecutor: Randy Keller is a member of a American [BAR] Association
40. Said Prosecutor: Randy Keller was informed of petitioner's Writ of Discovery/Affidavit of Fact that needed to be answer/rebuttal.
41. Said Prosecutor: Randy Keller was informed of petitioner's council that was presence in the hallway.
42. Said Prosecutor: Randy Keller said that my (Petitioner) arguments my Writs of Discovery/Affidavit of Fact were based off my beliefs.
43. Said Prosecutor: Randy Keller was informed that failure to answer/rebut the Writ fore mention is an automated default in judgment.[Accordance with the Foreign Judgment Act]
44. Said Prosecutor: Randy Keller was informed of his fiduciary duties to dismiss this matter for not honoring/answering the Writ of Discovery [Rule of Discovery]
45. Said Prosecutor: Randy Keller was supporting the Bill of Exchange- (Ticket)-Bill of Attainder and Ex post Facto Law.
46. Said Prosecutor: Randy Keller stated to petitioner and to petitioner's council of five people that the alleged violation was a jail able offense. Up to six month in jail.

Legal Claims/Cause of Action

In Support of the Facts above I affirm for the record the Defendant(s) mention before this matter are in violation of

- 1.U.S.C. Title 18 Sec. 241-242 Color of Law/Color of Authority/ Conspiracy
- 2.Dereliction of Duty
- 3.U.S.C.Title 18 Sec. 872 Extortion
- 4.Universal Declarations of Human Rights Violations Article 3,4,5,7,8,9,11,12,13- (1) & (2)
- 5.U.S.C.Title 18 Sec. 1001 Fraud and False Statement
- 6.U.S.C. Title 42 Sec. 1981 Equal Rights Under the law
- 7.U.S.C. Title 18 Sec. 1341 Fraud & Swindles Mail Fraud & Misrepresentation
- 8.U.S.C. Title 42 Sec. 1983 Civil Action for Deprivation of Rights
9. 4th 5th 6th 7th 8th 9th 10th 13th Amendment violations (Bills of Rights)
- 10.U.S.C. Title 18 1201 Kidnapping
- 11.Violation of Oath of Ethics
- 12.Assault and Battery
- 13.U.S.C. Title 18 Sec. 1959 Crimes Racketeering Activities
14. United States Republic Constitution Article 1 Section 10 [Bills of Attainder][Ex post Facto Law] Article 6 Violations
15. Violation of Oath of Office [United States/Ohio Republic Constitution]
- 16.Declaration of Rights of Indigenous Peoples Part1 Article 1,2,3 Violation
17. U.S.C. Title 18 Sec. 876 Mailing Threatening Communications
18. U.S.C. Title 18 Sec. 1621 Perjury General

To support the claims of the natural people Rights to Travel there are many Supreme Court Decisions (Stare Decisis) case laws to provide ones right to travel and police (Police Powers) are prohibited from violating those rights.

The Right to Travel; The Right to Mode of Conveyance; The Right to locomotion are all Absolute Rights, and the Police can not make void the exercise of Rights. State v. Armstead, 60 s. 778, 779, and 781:

The Right to park or Travel is part of the liberty of which the natural persons, citizens cannot be deprived without "due Process of law" under the 5th amendment of the United States Constitution Kent v. Dulles 357 US 116, 125:

The use of the highways for the purpose of travel and transportation is not a mere privilege, but a common and fundamental Right of which the public and natural beings cannot be deprived. Chicago Motor Coach 337 Illinois 200, 169 NE ALR, Ligare v. Chicago 139 ILL. 46, 28 HE 934, Boone v. Clark 214 SW 607, 25 AM jur. (1st), Highways sec. 163:

Traveling in an Automobile on the public roads was not a threat to the public safety or health and constituted no hazard to the public, and such a traveler owed no other duty to the public (e.g. The State); he/ she and his/ her auto, having equal right to and on the roadways/highways as horses and wagons, etc.; this same right is still Substantive Rule, in that speeding, running stop signs, traveling without license plates, or registration, are not threats to the public safety, and thus, are not arrest able offenses. *Christy v. Elliot*, 216 I 131, 74 HE 1035, LRA NS 1905-1910: *California v. Farley* 98 CED Rpt. 89, 20 CA 3d 1032 (1971).

Under the United States Republic's Constitutional system of Government and upon the individuality and intelligence of the citizen, the State does not claim to control one's conduct to others, leaving one the sole judge as to all that affects oneself. *Mugler v. Kansas* 1213 US 623, 659-60:

The Claim and exercise of Constitutional Rights cannot be converted into a crime. *Miller v. Kansas* 230 F 2nd. 486, 489:

"Its is well settled that the constitutional Rights protected from invasion by the police power, include Rights safeguarded both by express and implied prohibitions in the constitutions" *Tiche vs. Osborne*, 131 A. 60.

" As a rule, fundamental limitations of regulations under the police power are found in the spirit of the constitutions, not in the letter, although they are just as efficient as if expressed in the clearest language. " *Mehlos vs. Milwaukee*, 146 NW 882).

Ministerial officers are incompetent to receive grants of judicial power from the legislature, their acts in attempting to exercise such powers are necessarily nullities." *Burns v. Supp. Ct., SF*, 140 Cal. 1.

When the plaintiff has shown that he/she was arrested, imprisoned or restrained of his liberty by the defendant " the law presumes it to be unlawful." *People v. McGrew*, 20 pac. 92 (1888), *Knight v. Baker*, 133 P. 544 (1926)

Norton v. Shelby County, 118 U.S. 425 p. 442 "An unconstitutional act is not law; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed.

The burden is upon the defendant to show that the arrest was by authority of law. *McAleer V. Good*, 65 Ad. 934, 935 (1907) *Mackie v. Ambassador*, 11 P. 2d6(1932)

Owen v. Independence, 100 S.C.T. 1398, 445 US 622 " Officers of the court have no immunity, when violating a constitutional right, from liability. For they are deed to know the law."

" An illegal arrest is an assault and battery. The person so attempted to be restrained of his liberty has the same right use force in defending himself as he would in repelling any other assault and battery. *State v. Robinson*, 145 ME. 77, 72 ATL. 260

For a crime to exist there must be an injured party (Corpus Delicti). There can be no sanction or penalty imposed on one because of this Constitutional Right. *Shere v. Cullen* 481 F, 945:

Mugler v. Kansas 123 US 623,659-60: Where rights secured by the Constitution are involved, there can be no rule-making or legislation, which would abrogate them. *Miranda v. Arizona* 384 US 436, 125:

Ryan v. Commission on Judicial Performance, (1988) 45 Cal 3d. 518, 533

Before sending a person to jail for contempt of imposing a fine, Judges/Magistrate are required to provide due process of law, including strict adherence to the procedural requirements contained in the Code of Civil Procedure, Ignorance of these procedures is not a mitigating but an aggravating factor.

Hale v. Henkel 201 U.S. 43 at 89 (1906) "The "individual" may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. "His power to contract is unlimited." He owes no duty to the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to incriminate him. He owes no duty to the state, since he receives nothing there from, beyond the protection of his life and property. "His rights" are such as existed by the law of the land (Common Law) "Long antecedent" to the organization of the state" and can only be taken from him by "Due process of law", and in accordance with the constitution. "He owes nothing" to the public so long as he does not trespass upon their right.

U.S. v. Bishop, 412 US 346 If you have relied on prior decisions of the Supreme Court, you have the perfect defense for willfulness.

As a Magistrate who should be well versed in law, Magistrate Dan Lovinger knowingly refuse to honor petitioner's Writ as he knowingly has been administering in a capacity and does not have jurisdiction, delegation of authority, or judicial powers delegated from the legislature

Lawful Notice: Whereas, there is no question that a bench Appearance, Summons, Detention, Arrest and (Ticket)- Bill of Exchange- Bill of Attainder or Citation issuer by a Police Officer/ Patrolman Homero Guerrero Badge # 19 or other for traveling with no driver's license, foreign driver's license, not having current registration, or mandatory insurance, etc... Which carries a fine or jail time, is a penalty or sanction and is indeed "Converting a Right into a crime"; thus violating Substantive Rights. It is reasonable to assume that there Supreme Court judicial decision (Stare Decisis) are straight and to the point, that there is no lawful method for government to put restrictions or limitations on Rights belonging to the people (petitioner). [Ignorant of the law is no excuse]

"The Constitution for the United States of America binds all judicial officers at Article 6, wherein it does say, "This Constitution and the Laws of the United States which shall be made in pursuance thereof, and all Treaties made, or which shall be made under the authority of the United States, shall be the Supreme Law of the Land, and the Judges of every State shall be bound thereby, anything in the Constitution or laws of any state to the Contrary, notwithstanding," see Clause 2."

"The parties to the Compact of the United States Constitution further agreed that the enumeration in the Constitution of certain Rights shall not be construed to deny or disparage others retained by the People (Article 9 of the Bill of Rights to the Constitution for the United States)."

As a Magistrate Dan Lovinger and Prosecutor Randy Keller of the court, refusal to honor the Writ in the Nature of Discover and Notice is a violation of their oath of office.

RELIEF

1. **The Enforcement of the following:** The Divine Constitution and By-Laws of the Moorish Science Temple of America; The Moorish Nation of North America; Act VI: By Being Moorish American, you are Part and Parcel of this said government and Must Live the Life Accordingly; Article VI of the United States Constitution Republic / The Treaty of Peace and Friendship of EIGHTEEN HUNDRED and THIRTY-SIX (1836) A.D., Classifies Moorish Americans as Federal Citizens Possessing Freehold by Inheritance Status-Truth A-1. See Article 3, Section 2 of 'The Constitution for the United States of America'.

1) I, Amaru Mura Hassan Bey, demand Due Process as protected by the Fourth (4th) and Fifth (5th) Amendments of the Constitution for the United States of America (Republic).

2) I, Amaru Mura Hassan Bey, demand this United States Federal Court stop these abuses of the colorable authority by the Defendant(s) as it pertains to this Petitioner.

3) I, Amaru Mura Hassan Bey, demand if any criminal charges were found, let them be placed upon the Defendant(s).

4) I, Amaru Mura Hassan Bey, demand this United States Federal court view this Petitioner (in my Proper Person) as a Moorish American National (Natural Born Citizen of the Land) and not as a (brand) NEGRO, BLACKMAN (person), COLORED, AFRICAN-AMERICAN, or any other SLAVE TITLE or 'nom de guerre' imposed upon me for misrepresentation 'Actions' or other acts of 'Misprision' that a misdirected society may "believe" to be true.

5) I, Amaru Mura Hassan Bey do not, under any condition or circumstance, by threat, duress, or coercion, waive any rights Inalienable or Secured by the Constitution or Treaty, and, hereby requests the United States Federal Court to fulfill their obligation to preserve the rights of this Petitioner (A Moorish Americans) and carry out their Judicial Duty in 'Good Faith' by ordering Defendant(s) to be brought before the Law.

6) All UNCONSTITUTIONAL 'Order' or 'Action' associated with it / them, to be dismissed and expunged for the record on it's face and merits; or, otherwise, be brought before a legitimately - delegated, and competent 'Court of Law' of International jurisdiction / venue.

7) Any Defendant, Corporate or Natural, Party-Claimants; Involvements be found guilty in violation United States Republic Constitution, United States Code of Law, and in accord with the law. The Defendant(s) mention before this matter had the "intent" to extort and cause personal/Commercial damages from petitioner and to violated U.S.C. Title 18 241-242 on petitioner and the other violations fore mention

8) I'm seeking Seventy Five Thousand US Dollars (75,000.00) in Redress/Compensation per defendant involved and Seventy Five Thousand US Dollars (\$75,000.00) in punitive damages per defendant involved the total amount is Nine Hundred Thousand US dollars (\$900,000.00)

Respectfully submitted this 13 day of June, 2011 = 1431 M.C.

I Am: Amaru Mura Hassan Bey

Amaru Mura Hassan Bey, Authorized Representative

Natural Person, In Propria Persona:

All Rights Reserved:

U.C.C. 1-207/ 1-308; U.C.C. 1-103

Eriechronon Amerate Indigenous Lands Territory

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